THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.27281 of 1998

Dated : 27.09.2007

Between:

Bhonu Simhachalam S/o late Bangaraiah and others.

..... PETITIONERS

And:

The Mandal Revenue Officer,
Datti Rejeru Mandal, Vizianagaram District
and another.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.27281 of 1998

ORDER:

This writ petition is filed seeking a declaration that the alleged action of the first respondent in seeking to evict the petitioners forcibly from the lands in their possession, without following due process of law is arbitrary and illegal.

This Court, while issuing rule nisi by an order dated 28.09.1998, granted interim stay of dispossession.

On behalf of the respondents, a counter-affidavit has been filed by the Tahsildar, Dattirajeru Mandal, Vizianagaram District, stating that the petitioners are encroachers of Government lands as per the settlement records and therefore, action has been initiated by issuing notice in Form No.I on 10.10.1997, under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, treating them as unauthorized occupants. However, the petitioners, without submitting any explanation, approached this Court even before any final order is passed by the respondents. It is also stated that the allegation that the Mandal Revenue Officer Dattirejeru-first respondent herein, attempted to forcibly evict the petitioners is not true and correct.

Having regard to the facts and circumstances of the case and since admittedly no final order as such is passed, the writ petition is premature.

Accordingly, the writ petition is disposed of with a direction to the respondents not to take any action for eviction of the petitioners without following due process of law. There shall be no order as to costs.

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27.09.2007

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